

10/523964

STITES & HARBISON PLLC PTO 12 SEP 2005

PATENT

ATTORNEYS

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe the inventors named below are the original, first and joint inventors of the invention entitled:

"NOVEL ANTIIGIARDIAL AGENTS AND METHODS OF USE THEREOF"

described and claimed in the specification attached hereto.

I hereby state that I have reviewed and understand the contents of the specification, including the claims, in the above-referenced application, as amended by any amendment specifically referred to in the Declaration.

I acknowledge my duty pursuant to 37 C.F.R. §1.56 to disclose information which is material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and having a filing date before the of the application on which priority is claimed:

Title of Prior Application: Novel Antigiardial Agents and Methods of Use Thereof
Application Serial No. PCT/US2003/024938
Filing Date of Prior Application: 07 August 2003 (07.08.2003).

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed:

Title of Prior Application: Novel Antigiardial Agents and Methods of Use
Thereof
Application Serial No. 60/401,664
Filing Date of Prior Application: 07 August 2002 (07.08.2002).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the

manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None.

I hereby appoint the practitioners at CUSTOMER NO. 32885 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1 *ad*
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Mitchell AVERY

Inventor's signature:



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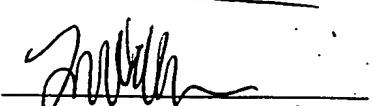
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